

MEMO ENDORSED**WILMERHALE**

January 8, 2014

VIA FAX

Honorable Cathy Seibel
 United States District Court
 for the Southern District of New York
 The Honorable Charles L. Brieant Jr., Federal Building and
 United States Courthouse, Room 218
 300 Quarropas Street
 White Plains, NY 10601-4150

Re: *Bozella v. County of Dutchess, et al.*, No. 10 Civ. 4917 (S.D.N.Y.)

Application Granted / ~~Denied~~
 So Ordered.



 Cathy Seibel, U.S.D.J.

 Dated: 1/8/14

Dear Judge Seibel:

I write on behalf of Plaintiff Dewey R. Bozella to request the Court's permission to file on January 15, 2014 a three-page letter regarding the applicability (or inapplicability) of two opinions issued after Mr. Bozella served the last of his summary judgment papers on November 12, 2013. The two cases are *Matusick v. Erie Cnty. Water Auth.*, No. 11-1234, 2014 WL 30694 (2d Cir. Jan. 6, 2014) and *Jones v. City of New York*, No. 12-CV-1739, 2013 WL 6814796 (E.D.N.Y. Dec. 20, 2013) (Weinstein, J.). These cases together address the issues of (i) collateral estoppel; (ii) the sufficiency of evidence to pursue a *Monell* claim based on a municipal policy or custom; and (iii) whether Defendants are immune from liability, each of which is pertinent to one of the pending cross-motions. Mr. Bozella does not object to Defendants' submission of a similar three-page letter on the same day.

This proposal would cause no delay to the current schedule, which requires the parties to file their summary judgment papers on January 15, 2014. See Dkt. No. 140. Nor does it prejudice Defendants, who would have an equal opportunity to address *Matusick* (which was issued two days ago) and *Jones* (which was issued more than one week before Defendants served their reply brief, but not mentioned in Defendants' brief).

Respectfully submitted,



Peter J. Macdonald

Cc: Defendants' Counsel

USDC SDNY

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**FACSIMILE**

Date January 8, 2014

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From Peter J. Macdonald Pages 2 (including cover)

Re Bozella v. County of Dutchess, et al., No. 10 Civ. 4917 (S.D.N.Y.)

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